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Patent
Attorney's Docket No. 032668-027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Daniel I. FLITCROFT et al.) Group Art Unit: 3628
Application No.: 09/691,175) Examiner: C. Graham
Filed: October 19, 2000) Confirmation No.: 7048
For: CREDIT CARD SYSTEM AND)
METHOD)

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REQUEST FOR RECONSIDERATION

GROUP 3600

Commissioner for Patents
Alexandria Virginia 22313-1450

Sir:

In reply to the Office Action of December 2, 2003, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

The Office Action rejected all pending claims 30-61 under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

On page 2 of the Office Action, the Examiner states:

Claims 30-61 represent an abstract idea that does not provide a practical application in the technological arts. There is no post-computer process activity found, the claimed invention performs mathematical calculations with no post solution activity. Therefore, applicant is reminded to embed a computer or processor or module into the body of the claims 30-61 in order to overcome this 101 rejection, appropriate correction is required. (See Section 2, lines 3-7.)

Applicants respectfully disagree. The claimed process recited in independent claim 30, and hence also in dependent claims 31-61, is not merely representative of an abstract idea having no practical application in the technological arts. To the contrary, the claimed process of implementing a limited use credit card system has "real world" value and produces a useful, concrete, and tangible result.

Indeed, it goes without saying that credit card transactions occur around the globe in a rapid pace. Additionally, as described in the "Background" section of the application (pages 1-6 of the specification), a credit card number that identifies an account number may be obtained by unscrupulous individuals for fraudulent purposes. Implementing a limited use credit card system in which a credit card number having an associated account number is useful because it allows individuals to enter into a transaction without revealing their account number. Furthermore, by associating a set of conditions with a limited-use credit card, losses associated with a theft of the limited-use card would be minimal compared to losing the master credit card number, for example. Additionally, by associating the limited-use credit card number with a set of conditions, provides more flexibility for the secure credit transactions. These are useful, concrete, and tangible results of associating the limited-use number with a customer account number.

Furthermore, the process of claim 30 does not merely represent mathematical calculations (i.e., converting one set of numbers into another set of numbers) without some claimed practical application. To the extent that mathematical operations are recited in claim 30, it is respectfully submitted that they have practical application in the technological art of credit card systems. Hence, claim 30 defines a statutory process, and thus qualifies as a statutory category under Section 101.

The Examiner concludes that in order to overcome the rejection under Section 101, Applicants must embed a computer, processor or module into the body of the claims. In response this assertion by the Examiner, Applicants respectfully request the Examiner to point to a basis in the statute or caselaw for this requirement. It is respectfully submitted that these allegedly required amendments to claims 30-61 are not criterions for these claims to be considered statutory.

In any event, it is axiomatic that claims are not to be read in a vacuum. Claim 30 recites, *inter alia*, the processes of "associating the limited-use credit card number with a customer account number," "detecting a transaction using the limited-use credit card number," and "processing the transaction in accordance with the set of conditions associated

with the limited-use credit card number.” There are a number of examples disclosed in which these acts of “associating,” “detecting,” and “processing” are performed, at least in part, by a computer or other electronic device (see, e.g., Figure 1 and pages 16-18 of the specification).

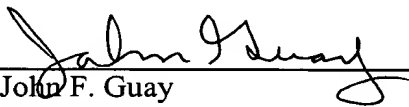
It is respectfully submitted that the processes recited in dependent claims 31-61 are statutory under Section 101 for the same reasons given above with respect to independent claim 30.

For all the foregoing reasons, Applicants respectfully submit that the rejection is based on an improper interpretation of 35 U.S.C. § 101¹ and the claims. As such, the rejection of all claims should be withdrawn.

Because no other rejection is included in the Office Action, the present application is believed in condition for allowance. Prompt notification of same is earnestly solicited.

Respectfully submitted,

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¹ See, *State St. Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed Cir. 1998) and *AT&T v. Excel Communications, Inc.*, 172 F.3d 1352, 50 USPQ2d 1447 (Fed Cir. 1999).